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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/806,736	03/23/2004	Jerome David	SPINE 3.0-423

CONFIRMATION NO. 2555

## FORMALITIES LETTER



\*OC000000012893771\*

000530

LERNER, DAVID, LITTENBERG,  
 KRUMHOLZ & MENTLIK  
 600 SOUTH AVENUE WEST  
 WESTFIELD, NJ 07090

Date Mailed: 06/08/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

09/17/2004 MBIZUNES 00000043 121095. 10806736

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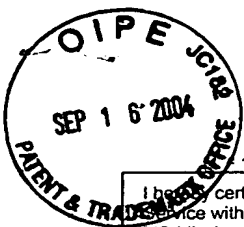
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*Ph. Sunday*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: September 13, 2004 Signature: \_\_\_\_\_

(Raymond Garguilo, Jr.)

Docket No.: SPINE 3.0-423  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Jérôme David

Application No.: 10/806,736

Group Art Unit: 3738

Filed: March 23, 2004

Examiner: Not Yet  
Assigned

For: SPHERE AND BONE PLATE

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

**MAIL STOP MISSING PARTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing please find a Declaration and Power of Attorney in connection with the above-identified application.

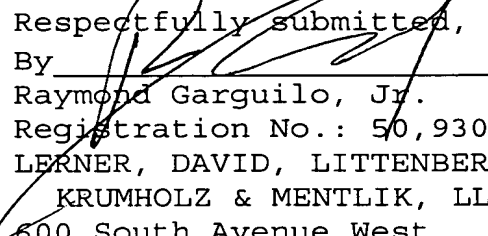
A petition for a two-month extension of the shortened statutory time period for response to said Official Action up to and including October 8, 2004, is transmitted herewith.

Please charge our Deposit Account No. 12-1095 in the amount of \$130.00 covering the fee set forth in 37 CFR 1.16(e) and \$420.00 covering the fee set forth in the Petition For Extension of Time Under 37 CFR 1.136(a), for a total of \$550.00.

Also enclosed is a copy of PTO form entitled "NOTICE TO FILE MISSING PARTS OF APPLICATION."

If the Examiner has any questions concerning this application, the Examiner is requested to call applicant's attorney at (908) 654-5000. If any additional fees are required by the present Communication, the Examiner is hereby authorized to charge them to our Deposit Account No. 12-1095.

Dated: September 13, 2004

Respectfully submitted,  
By   
Raymond Garguilo, Jr.  
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